

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 KAILANI JADE NUNEZ, an ) Case No. CV 13-06325 DDP (MRWx)  
12 individual, )  
13 Plaintiff, )  
14 v. ) ORDER TO SHOW CAUSE RE: AMOUNT IN  
15 HERTZ LOCAL EDITION ) CONTROVERSY  
16 CORPORATION, a Delaware )  
corporation, )  
17 Defendant. )

19       Defendant is ordered to show cause why this action should not  
20 be remanded for lack of subject matter jurisdiction. Defendant  
21 removed this employment action to this court on the basis of  
22 diversity jurisdiction. It is not clear to the court that the  
23 amount in controversy in this matter exceeds \$75,000, as is  
24 required to establish diversity jurisdiction under 28 U.S.C. §  
25 1332.

26 Plaintiff's complaint does not specify a particular amount of  
27 damages. Under such circumstances, Defendant bears the burden of  
28 establishing, by a preponderance of the evidence, that the amount

1 in controversy exceeds the jurisdictional minimum. Rodriquez v.  
2 At&T Mobility Servs., LLC., - F.3d -, 2013 WL 4516757 at \*6 (9th  
3 Cir. Aug. 27, 2013). Defendant estimates, based upon Plaintiff's  
4 prior earnings, that she will only claim approximately \$50,000, far  
5 below the jurisdictional threshold. (Notice of Removal at 4.)  
6 Defendant's assertion that emotional damages and punitive damages,  
7 will exceed \$75,000 is entirely speculative.

8 Accordingly, Defendant is ordered to file a brief, not to  
9 exceed ten pages, by Monday, October 21, 2013 showing a non-  
10 speculative reason why this action should not be remanded for lack  
11 of subject matter jurisdiction. Defendant shall also deliver a  
12 courtesy copy to chambers, Room 244-J, Second Floor, 312 N. Spring  
13 Street, Los Angeles. Failure to file a brief in accordance with  
14 this Order will be deemed consent to remand of this action.

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16 IT IS SO ORDERED.

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19 Dated: October 11, 2013

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DEAN D. PREGERSON  
United States District Judge